

THURSDAY, MARCH 29, 1990

EIGHTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. Ben Martin, Eagleville Baptist Church, Eagleville, Tennessee.

Representative Fred Hobbs led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Buck was excused due to a court case in DeKalb County.

REPORTS FROM STANDING COMMITTEES

**REPORT OF COMMITTEE ON CALENDAR AND RULES
March 29, 1990**

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the Regular

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Calendar for Monday, April 2, 1990: House Bill(s) No(s). 1759, 2489, 590, 2320 and 1235.

We have also set the following bills on the **Regular Calendar** for **Wednesday, April 4, 1990:** House Bill(s) No(s). 2158; also, House Joint Resolution(s) No(s). 690, 654 and 685.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, April 2, 1990:** House Bill(s) No(s). 2437, 1915, 2232 and 1768; also, Senate Bill(s) No(s). 2010.

RULES SUSPENDED

Rep. Williams moved that the rules be suspended for the purpose of introducing **House Resolution No. 136** out of order, which motion prevailed.

House Resolution No. 0136 -- Memorials, Public Service -- Recognizes Leaders of Tomorrow program. by *Williams K, *Kent, *Cain, *Hassell, *Shirley, *DeBerry, *Dixon, *Turner C, *Byrd, *Nuber, *Moore U A, *King, Jones U, Jones R, Turner L, Kernell, Gaia.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Williams, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2219 -- Obscenity and Pornography -- Revises law relative to obscenity. Amends TCA, Titles 29, 39.

Rep. Naifeh moved that House Bill No. 2219 be passed on third and final consideration.

Rep. Davis (Gibson) moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2219 by deleting SECTIONS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-901(2), is hereby amended by deleting the words "the state of Tennessee" and substituting instead the words "the local geographical area within the state of Tennessee from which the jury pool is drawn".

SECTION 2. Tennessee Code Annotated, Section 39-17-901(6)(B), is amended by inserting at the beginning of that subdivision the words "The average person applying contemporary community standards would find that".

SECTION 3. Tennessee Code Annotated, Section 39-17-901 is amended by adding the following appropriately numbered subsections:

() "Excess violence" means the depiction of acts of violence in such a graphic and/or bloody manner as to exceed common limits of custom and candor, or in such a manner that it is apparent that the predominant appeal of the material is portrayal of violence for violence's sake.

() "Harmful to minors" means that quality of any description of representation, in whatever form, of nudity, sexual excitement, sexual conduct, excess violence, or sado-masochistic abuse when the matter or performance:

(A) Would be found by the average person applying contemporary community standards to appeal predominantly to the prurient, shameful or morbid interest of minors;

(B) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and

(C) Lacks serious literary, artistic, political or scientific values for minors.

() "Minor" means any person who has not reached the age of eighteen (18) and is not emancipated.

() "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than full opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

() "Sado-masochistic abuse" means flagellation or torture or physical restraint by or upon a person for the purpose of sexual gratification of either person.

() "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

SECTION 4. Tennessee Code Annotated, Section

39-17-902, is amended by adding the word and punctuation "produce," after the words "is unlawful to knowingly" but before the words "send or cause to be sent" in subsection (a);

AND IS FURTHER AMENDED by adding the following sentence at the end of subsection (b):

However, this section shall not apply to those acts which are prohibited by Sections 39-17-1003 - 1005.

SECTION 5. Tennessee Code Annotated, Section 39-17-911, is amended by deleting subsections (a), (b), (c) and (d) in their entirety and substituting instead the following:

39-17-911. Sales, Loans, or Exhibitions of Materials to Minors.

(a) It is unlawful for a person knowingly to sell, loan, or otherwise show or make available to a minor any visual depiction which is harmful to minors.

(b) It is unlawful for a person knowingly to admit a minor to premises where a performance or visual depiction harmful to minors is being performed or shown.

(c) It is unlawful for a person knowingly to sell, rent or otherwise distribute to a minor a video cassette tape or film that is harmful to minors.

(d) A violation of this section is a Class A misdemeanor.

(e) It is an affirmative defense to prosecution under this section that the minor was, at the time of the offense, accompanied by the minor's parent or legal guardian, or by an adult with the written permission of the parent or legal guardian.

SECTION 6. Tennessee Code Annotated, 39-17-914, is amended by deleting it in its entirety and substituting instead the following:

39-17-914. Display for Sale or Rental of Material Harmful to Minors.

(a) It is unlawful for a person to display for sale or rental a visual depiction, including a video cassette tape or film, or a written representation, including a book, magazine, or

pamphlet, which contains material harmful to minors anywhere minors are lawfully admitted.

(b) The state shall have the burden of proving that the material is displayed. Material is not considered displayed under this section if:

(1) Visual depictions harmful to minors on the cover or package are:

(A) Placed in "binder racks" that cover the lower two-thirds (2/3) of the material and the viewable one-third (1/3) is not harmful to minors; and

(B) Located at a height of not less than five and one-half (5 1/2) feet from the floor; and

(C) Not accessible to minors; or

(2) The material is opaquely wrapped and placed behind the counter; or

(3) The material is placed out of sight underneath the counter; or

(4) The material is otherwise covered and located so that the material is not open to view or access by minors.

(c) A violation of this section shall be a Class C misdemeanor for each day the person is in violation of this section.

SECTION 7. Tennessee Code Annotated, Title 39, Chapter 17, Part 9, is amended by deleting Sections 39-17-901, 39-17-912, 39-17-913, 39-17-915, 39-17-916 and 39-17-917 in their entirety and renumbering the remaining sections accordingly.

SECTION 8. Tennessee Code Annotated, Title 39, Chapter 17, part 10, is amended by adding the following new sections:

Section 39-17-1001. Title. Sections 39-17-1001 through 39-17-1007 shall be known and may be cited as the "Tennessee Protection of Children Against Sexual Exploitation Act of 1990".

Section 39-17-1002. Definitions. The following definitions apply in Sections 39-17-1002 -- 1007 unless the context requires otherwise:

(1) "Community" means the local geographical area within the state of Tennessee

from which the jury pool is drawn.

(2) "Material" means:

(A) Any picture, drawing, photograph, motion picture film, video cassette tape, or other pictorial representation; or

(B) Any statue, figure, theatrical production or electrical reproduction.

(3) "Minor" means any person who has not reached the age of eighteen (18) and is not emancipated.

(4) "Patently offensive" means that which goes substantially beyond customary limits of candor in describing or representing such matters.

(5) "Promote" means to finance, produce, direct, manufacture, issue, publish, exhibit or advertise.

(6) "Prurient interest" means a shameful or morbid interest in sex.

(7) "Sexual activity" means any of the following acts:

(A) Vaginal, anal or oral intercourse, whether done with another person or an animal;

(B) Masturbation, whether done alone or with another human or an animal;

(C) Patently offensive, as determined by contemporary community standards, physical contact with or touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breasts in an act of apparent sexual stimulation or sexual abuse;

(D) Sado-masochistic abuse including flagellation, torture, physical restraint, domination or subordination by or upon a person for the purpose of sexual gratification of any person;

(E) The insertion of any part of a person's body or of any object into another person's anus or vagina, except when done as part of a recognized medical procedure by a licensed professional;

(F) Patently offensive, as determined by contemporary community standards, conduct, representations, depictions or descriptions of excretory functions; or

(G) Lascivious exhibition of the genitals or public area of any person.

Section 39-17-1003. Sexual Exploitation of a Minor.

(a) It is unlawful for any person to knowingly possess material that includes a minor engaged in:

(1) sexual activity; or

(2) simulated sexual activity that is patently offensive.

(b) In a prosecution under this section, the trier of fact may infer that a participant is a minor if the material through its title, text, visual representation or otherwise represents or depicts the participant as a minor.

(c) Violation of this section is a Class E felony.

Sections 39-17-1004. Aggravated Sexual Exploitation of a Minor.

(a) It is unlawful for any person to knowingly promote, sell, distribute, transport, purchase or exchange material, or possess with the intent to promote, sell, distribute, transport, purchase or exchange material, which includes a minor engaged in:

(1) sexual activity; or

(2) simulated sexual activity that is patently offensive.

(b) In a prosecution under this section, the trier of fact may infer that a participant is a minor if the material through its title, text, visual representation or otherwise represents or depicts the participant as a minor.

(c) Violation of this section is a Class C felony.

Section 39-17-1005. Especially Aggravated Sexual Exploitation of a Minor.

(a) It is unlawful for a person to knowingly promote, employ, use, assist, transport or permit a minor to participate in the performance or in the production of material which includes the minor engaging in:

- (1) sexual activity; or
- (2) simulated sexual activity that is patently offensive.

(b) In a prosecution under this section, the trier of fact may infer that a participant is a minor if the material through its title, text, visual representation or otherwise represents or depicts the participant as a minor.

(c) Violation of this section is a Class B felony. Provided, however, that nothing in this section shall be construed as limiting prosecution under Section 39-13-502, aggravated rape or 39-13-504, aggravated sexual battery.

Section 39-17-1006. Injunctions.

If the district attorney general is of the opinion that Sections 39-17-1001--1005 are being violated, the district attorney may file a petition in a circuit, chancery, or criminal court of that district relating the opinion, and request the court to issue a temporary restraining order or a temporary injunction enjoining the person named in the petition from removing the material in question from the jurisdiction of the court pending an adversary hearing on the petition. If a temporary restraining order or, after notice, a temporary injunction is so issued, the person enjoined shall answer within the time set by the court, which time shall be set by the court at not more than sixty (60) days. The adversary hearing on the petition shall be held within two (2) days after the joinder of issues. At the conclusion of the hearing, or within two (2) days thereafter, the court will determine whether or not the material in question is in violation of Sections 39-17-1001--1005. On a finding of a violation, the court shall grant a temporary injunction or continue its injunction in full force and effect for a period not to exceed forty-five (45) days or until an indictment on the matter has been submitted to the grand jury. If forty-five (45) days elapse and the grand jury has taken no action, the injunction terminates. The injunction also terminates on the grand jury returning a no true bill. On the return of a true bill of indictment, the court shall order the material in question delivered into the hands of the court clerk or district attorney general, there to be held as evidence in the case.

Section 39-17-1007. Issuance of Process.

No process except as otherwise provided shall be

issued for the violation of Sections 39-17-1003--1005 unless it is issued upon the application of the district attorney general of the district.

SECTION 9. Tennessee Code Annotated, Section 29-3-101, is amended by adding the words "with intent to exhibit, sell, deliver, or distribute matter or materials in violation of Sections 39-17-901--39-17-912 or 39-17-1003--39-17-1005" after the word "pornographic" but before the words and punctuation ", quarreling" in subsection (a)(1);

AND IS FURTHER AMENDED by changing the period (.) at the end of the first sentence of subsection (c) to a semi-colon (;) and by adding the following additional language:

provided, however, seizure for the possession of obscene matter shall be in accordance with Tennessee Code Annotated, Sections 39-17-901--39-17-908 and seizure for violations to Tennessee Code Annotated, Sections 39-17-1003--39-17-1005 shall be in accordance with Sections 39-17-1006 and 39-17-1007.

SECTION 10. Tennessee Code Annotated, Section 39-15-413, is amended by deleting "39-17-910 through 917" and substituting in its place "39-17-901 through 912, 39-17-1003 through 1005".

SECTION 11. Tennessee Code Annotated Title 39, Chapter 17, is amended by adding the following new subsections at the end of Part 9:

Section 39-17-913. Injunctions. If the district attorney general is of the opinion that Sections 39-17-910--911 are being violated, the district attorney may file a petition in a circuit, chancery, or criminal court of that district relating the opinion, the request the court to issue a temporary restraining order or a temporary injunction enjoining the person named in the petition from removing the material in question from the jurisdiction of the court pending an adversary hearing on the petition. If a temporary restraining order or, after notice, a temporary injunction is so issued, the person enjoined shall answer within the time set by the court, which time shall be set by the court at not more than sixty (60) days. The adversary hearing on the petition shall be held within two (2) days after the joinder of issues. At the conclusion of the hearing, or within two (2) days thereafter, the court will determine whether or not the material in question is in violation of Sections 39-17-901--911. On a finding of a violation, the court shall grant a temporary injunction or continue its injunction in full force and effect for a period not to exceed forty-five (45)

days or until an indictment on the matter has been submitted to the grand jury. If forty-five (45) days elapse and the grand jury has taken no action, the injunction terminates. The injunction also terminates on the grand jury returning a no true bill. On the return of a true bill of indictment, the court shall order the material in question delivered into the hands of the court clerk or district attorney general, there to be held as evidence in the case.

Section 39-17-914. Issuance of Process. No process except as otherwise provided shall be issued for the violation of Sections 39-17-910--911 unless it is issued upon the application of the district attorney general of the district.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Naifeh moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 2219 by deleting 39-17-1004(c) of SECTION 8 and substituting instead the following:

(c) A violation of this section is a Class C felony except it is a Class B felony when the material is obscene as defined in Section 39-17-901(6).

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Naifeh moved to amend as follows:

Amendment No. 2 to Amendment No. 1

Amend House Bill No. 2219 by deleting Section 5 and by renumbering the subsequent sections accordingly.

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Thereupon, Rep. Naifeh moved that Amendment No. 1, as amended, be adopted, which motion prevailed.

Rep. Naifeh moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 2219 by deleting Section 1 as added by House Judiciary Committee Amendment No. 1 and substituting instead the following new Section 1:

SECTION 1. Tennessee Code Annotated, Section 39-17-901(2), is hereby amended by deleting the words "the state of Tennessee" and substituting instead the words "the judicial district, as defined by Section 16-2-506, in which a violation is alleged to have occurred".

AND FURTHER AMEND by deleting subsection (1) of Section 39-17-1002 of Section 8, as added by House Judiciary Committee Amendment No. 1, in its entirety and substituting instead the following:

(1) "Community" means the judicial district, as defined by Section 16-2-506, in which a violation is alleged to have occurred.

On motion, Amendment No. 2 was adopted.

Rep. Naifeh moved that House Bill No. 2219, as amended, be passed on third and final consideration.

Rep. DeBerry moved the previous question, which motion prevailed.

Thereupon, Rep. Naifeh moved that House Bill No. 2219, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	90
Noes.....	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Hafteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Burnett, Turner, L. (Shelby) -- 2.

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A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 2219 and have this statement entered in the Journal.

Rep. Buddy Scruggs

REGULAR CALENDAR, CONTINUED

*Senate Bill No. 2139 -- County Government -- Authorizes counties to appropriate funds for low income elderly assistance. Amends TCA, Title 5, Ch. 9, Pt. 1.

Further consideration of Senate Bill No. 2139, previously considered on March 22, 1990, at which time the House substituted it for House Bill No. 1861, adopted Amendment No. 1, and reset it to the calendar for March 29, 1990.

Rep. Callicott moved that Senate Bill No. 2139 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Ball, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Dyer, Galt, Garrett, Givens, Good, Guenels, Halteman, Harrell, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nicelroy, Nuber, Odom, Peroulas, Phillips, Pfinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Statlings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray

-- 95.

A motion to reconsider was tabled.

House Bill No. 2226 -- Highways, Roads and Bridges -- Requires "rumble stripes" on certain highway crossings. Amends TCA, Title 65, Ch. 11.

Rep. Whitson moved that House Bill No. 2226 be reset to the Calendar for Wednesday, April 4, 1990, which motion prevailed.

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House Bill No. 1887 -- District Attorneys -- Increases base salaries of district attorneys general. Amends TCA, Title 8, Ch. 7.

Rep. Rhinehart moved that House Bill No. 1887 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	74
Noes.	20
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Burnett, Cain, Callicott, Chiles, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Harrill, Hassell, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Turner (Hamilton), Gessery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Yelton, Mr. Speaker Murray -- 74.

Representatives voting no were: Austin, Burchfield, Byrd, Coffey, Copeland, Givens, Halteman, Haun, Head, Holcomb, Jackson, McAfee, McDaniel, Niceley, Odom, Shirley, Stamps, Turner, C. (Shelby), Wheeler, Wood -- 20.

Representatives present and not voting were: Sipes -- 1.

A motion to reconsider was tabled.

House Bill No. 2113 -- District Attorneys -- Removes certain personnel and support limitation from the district attorney general of 31st judicial district.

On motion, House Bill No. 2113 was made to conform with Senate Bill No. 1927.

On motion, Senate Bill No. 1927, on same subject, was substituted for House Bill No. 2113.

Rep. Rhinehart moved that Senate Bill No. 1927 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross,

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Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

House Bill No. 2220 -- Sunset Laws -- Extends termination date of health facilities commission. Amends TCA, Title 4, Ch. 29.

Rep. Starnes moved that House Bill No. 2220 be reset as a special order as the eighth bill on the calendar for Monday, April 2, 1990, which motion prevailed.

*House Bill No. 2143 -- Pensions and Retirement Benefits -- Authorizes prior service credit in TCRS for certain persons. Amends TCA, Title 8, Ch. 35, Pt. 2.

On motion, House Bill No. 2143 was made to conform with Senate Bill No. 2344.

On motion, Senate Bill No. 2344, on same subject, was substituted for House Bill No. 2143.

Rep. Winningham moved that Senate Bill No. 2344 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

Rep. Winningham moved that Senate Bill No. 2344 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry

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(Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 2134 -- Criminal Offenses -- Makes it a felony to destroy or interfere with utility lines, fixtures or appliances. Amends TCA, Title 39, Ch. 14, Pt. 4.

On motion, House Bill No. 2134 was made to conform with Senate Bill No. 2053.

On motion, Senate Bill No. 2053, on same subject, was substituted for House Bill No. 2134.

Rep. Purcell moved that Senate Bill No. 2053 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Ball, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

*House Bill No. 2084 -- Architects and Engineers -- Permits bids administered by governmental agencies to be handled in same manner as department of general services. Amends TCA 62-6-119.

THURSDAY, MARCH 29, 1990 -- EIGHTY-FOURTH LEGISLATIVE DAY

Rep. Dixon moved that House Bill No. 2084 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2084 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ The provisions of this act shall only apply to the school board of any local education agency in any county having a population in excess of seven hundred thousand (700,000) according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Dixon moved that House Bill No. 2084, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curtee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 0246 -- Motor Vehicles, Titling and Registration -- Authorizes senior citizens associations to obtain government license plates. Amends TCA 55-4-223.

On motion, House Bill No. 246 was made to conform with Senate Bill No. 33.

THURSDAY, MARCH 29, 1990 -- EIGHTY-FOURTH LEGISLATIVE DAY

On motion, Senate Bill No. 33, on same subject, was substituted for House Bill No. 246.

Rep. Stallings moved that Senate Bill No. 33 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 33 by deleting the amendatory language in Section 1 in its entirety and by substituting instead the following:

In addition to the governmental entities listed above, senior citizens service centers which meet the standards set by the Tennessee Commission on Aging for eligibility to receive state funds, may also apply for governmental service plates under this section for vans owned by the centers and used exclusively for the centers' activities.

AND FURTHER AMEND in Section 2 by deleting the language "July 1, 1989" in line 1, and by substituting instead "July 1, 1990".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Stallings moved that Senate Bill No. 33, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Nees.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Haltzman, Harrill, Hassell, Maun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

THURSDAY, MARCH 29, 1990 -- EIGHTY-FOURTH LEGISLATIVE DAY

*House Bill No. 1802 -- Highway Signs -- Provides for signs for Decaturville.

Rep. McDaniel moved that House Bill No. 1802 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1802 by adding the following at the end of the first section:

Provided however, this section shall become operative only if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the provisions of this section shall not render Tennessee in violation of Federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. McDaniel moved that House Bill No. 1802, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

*House Bill No. 2518 -- Charitable Solicitations -- Includes among charitable solicitations certain vending machine sales. Amends TCA, Title 48, Ch. 3.

THURSDAY, MARCH 29, 1990 -- EIGHTY-FOURTH LEGISLATIVE DAY

Further consideration of House Bill No. 2518, previously considered on March 22, 1990, at which time it was reset to the calendar for March 29, 1990.

Rep. Davis (Gibson) moved that House Bill No. 2518 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2518 by deleting from subsection (c) of Section 1 the language "forty percent (40%) of the net profits", and by substituting instead the language "sixty percent (60%) of the gross profits".

Rep. Love moved that House Bill No. 2518 be reset to the Calendar for Wednesday, April 4, 1990, which motion prevailed.

*House Bill No. 1803 -- Highway Signs -- Provides for signs for Beech Lake.

Rep. McDaniel moved that House Bill No. 1803 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1803 by adding the following at the end of the first section:

Provided, however, this section shall become operative only if the Federal Highway administrator advises the Commissioner of Transportation in writing that the provisions of this section shall not render Tennessee in violation of Federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. McDaniel moved that House Bill No. 1803, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain,

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Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Joint Resolution No. 0653 -- Memorials, Congress -- Urges disapproval of Below Cost Commercial Timber Sale Pilot Program in Cherokee National Forest.

Rep. Hillis moved that House Joint Resolution No. 653 be adopted, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	4

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 89.

Representatives present and not voting were: Haun, Holcomb, Hubbard, Yelton -- 4.

A motion to reconsider was tabled.

House Bill No. 1968 -- Housing -- Authorizes local governments to create housing trust funds. Amends TCA, Title 13, Ch. 23.

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Rep. Scruggs moved that House Bill No. 1968 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1968 by inserting the words "except pension or retirement funds" between the words "revenues" and "by" in the original Section 3(1).

AND FURTHER AMEND by inserting the words "except pension or retirement funds" between the words "source" and "over" in Section 6(b).

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1968 by deleting the figure "6" in Section 1 and by substituting instead the figure "7".

AND FURTHER AMEND by inserting the following new section immediately following Section 6 and by renumbering the subsequent section accordingly:

Section 7. The provisions of this act shall not apply in any county having a population in excess of seven hundred thousand (700,000) according to the 1980 federal census of population or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 1968 by deleting Section 7 which reads:

Section 7. The provisions of this act shall not apply in any county having a population in excess of seven hundred thousand (700,000) according to the 1980 federal census of population or any subsequent federal census.

and by substituting instead the following:

Section 7. The provisions of this act shall only apply in counties having a population of not less than three hundred nineteen thousand, six hundred twenty-five (319,625) nor more than three hundred nineteen thousand, seven hundred twenty-five (319,725) according to the 1980 federal census of population or any subsequent federal census.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Scruggs moved that House Bill No. 1968, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrance), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1968 and have this statement entered in the Journal.

Rep. John Chiles, Jr.

REGULAR CALENDAR, CONTINUED

House Bill No. 1656 -- Professions and Occupations -- Revises qualification and examination requirements of electrologist applicants. Amends TCA 62-34-211, 213.

On motion, House Bill No. 1656 was made to conform with Senate Bill No. 1614.

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On motion, Senate Bill No. 1614, on same subject, was substituted for House Bill No. 1656.

Rep. Scruggs moved that Senate Bill No. 1614 be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Scruggs moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1614 by deleting Section 1 in its entirety and by substituting instead the following new section:

SECTION 1. Tennessee Code Annotated, Section 62-34-211(4), is amended by deleting substituting instead the following:

(C) At least six hundred (600) hours of electrology practice taught by a board certified or board eligible dermatologist who has documented continuing education in electrology theory and practices:

(i) Provided, however, applicants who satisfy the educational requirements for licensure under the provision of this subdivision shall be eligible for practice as an electrologist only under the direct supervision and control of a board certified or board eligible dermatologist and shall receive a limited license which bears an endorsement to that effect upon passing the state board examination, payment of all prescribed fees, and the satisfying of license renewal fees and requirements:

(ii) The dermatologist shall notify the board as to each student who begins the training program pursuant to this subdivision:

(iii) The dermatologist shall also notify the board when an electrologist is no longer under the supervision and control of such dermatologist:

and

(iv) Hours of training and experience received by applicants after January 1, 1989 may be applied to the experience provision of this subdivision:

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Scruggs moved that Senate Bill No. 1614, as amended, be passed on third and final consideration, which motion

prevailed by the following vote:

Ayes.	97
Noes.	0
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

Representatives present and not voting were: Nuber -- 1.

A motion to reconsider was tabled.

House Bill No. 2296 -- Health -- Enacts "The Tanning Facility Control Act of 1990". Amends TCA, Title 68.

On motion, House Bill No. 2296 was made to conform with Senate Bill No. 2061.

On motion, Senate Bill No. 2061, on same subject, was substituted for House Bill No. 2296.

Rep. Starnes moved that Senate Bill No. 2061 be passed on third and final consideration.

Rep. Clark moved the previous question, which motion prevailed.

Rep. Starnes moved that Senate Bill No. 2061 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	7

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron,

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Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representatives voting no were: Davidson, Givens, Head, Kent, Niceley, Ussery, Winningham -- 7.

A motion to reconsider was tabled.

***House Bill No. 2266** -- Insurance, Health, Accident -- Exempts Medicare supplement and limited benefit insurance policies from requirement to pay for mammography screening. Amends TCA 56-7-1012.

On motion, House Bill No. 2266 was made to conform with Senate Bill No. 2543.

On motion, **Senate Bill No. 2543**, on same subject, was substituted for House Bill No. 2266.

Rep. Starnes moved that **Senate Bill No. 2543** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Starnes moved that **Senate Bill No. 2543** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

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Representatives voting no were: Kent, King, Niceley -- 3.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2543 and have this statement entered in the Journal.

Rep. Beth Halteman

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 2543 and have this statement entered in the Journal.

Rep. Alvin King

REGULAR CALENDAR, CONTINUED

House Bill No. 1790 -- Taxes, Business -- Permits credit against business tax for certain personal property tax payments regardless of personal property tax payment date. Amends TCA 67-4-713.

Rep. Starnes moved that House Bill No. 1790 be passed on third and final consideration.

Rep. Clark moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1790 by adding immediately following the words and punctuation "Provided, however," the following:

prior to allowing such credit a copy of the receipt showing payment has been made of such personal property tax must be attached to the application claiming credit for such payment and

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Starnes moved that House Bill No. 1790, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Anderson, Armstrong, Austin,

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Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Haltzman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Bill No. 1790 and have this statement entered in the Journal.

Rep. Randall Stamps

REGULAR CALENDAR, CONTINUED

House Bill No. 1918 -- Taxes, Sales -- Exempts railroad car liners from sales tax. Amends TCA 67-6-329.

On motion, House Bill No. 1918 was made to conform with Senate Bill No. 2145.

On motion, **Senate Bill No. 2145**, on same subject, was substituted for House Bill No. 1918.

Rep. Ridgeway moved that Senate Bill No. 2145 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Ridgeway moved that **Senate Bill No. 2145** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	73
Noes.	21
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Clark,

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Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Hassell, Haun, Head, Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wolfe, Yelton, Mr. Speaker Murray -- 73.

Representatives voting no were: Callicott, Copeland, Gunnels, Halteman, Harrill, Henry (Putnam), Henry (Roane), Holcomb, Jones, R. (Shelby), Jones, U. (Shelby), Kent, McAfee, Moody, Niceley, Odom, Peroulas, Shirley, Sipes, Stamps, West, Wood -- 21.

Representatives present and not voting were: DeBerry, Good -- 2.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2506; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2506 -- Nurses, Nursing -- Authorizes certain nurses to issue certain drugs.

REGULAR CALENDAR, CONTINUED

*Senate Bill No. 1813 -- Highways, Roads and Bridges -- Removes requirement of county legislative body approval of appointed road superintendent 1990 salary increases. Amends TCA 54-7-106.

Further consideration of Senate Bill No. 1813, previously considered on March 14, 1990, at which time Senate Bill No. 1813 was substituted for House Bill No. 1912, the bill failed to pass and it was re-referred to the Calendar and Rules Committee. The Calendar and Rules Committee placed it on the Calendar for March 29, 1990.

Rep. Rhinehart moved that Senate Bill No. 1813 be passed on third and final consideration.

Rep. DePriest moved the previous question, which motion prevailed.

Rep. Rhinehart moved that Senate Bill No. 1813 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	95
Noes.	1
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Harrill -- 1.

Representatives present and not voting were: Hobbs -- 1.

A motion to reconsider was tabled.

House Bill No. 2037 -- Drugs -- Imposes mandatory fines upon persons convicted of certain drug offenses; provides for allocation of such fines. Amends TCA, Title 39, Ch. 17, Pt. 4.

Rep. C. Turner (Shelby) moved that House Bill No. 2037 be passed on third and final consideration.

Rep. Davis (Gibson) moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2037 by deleting from subsection (d) of the amendatory language of SECTION 1 the words "In all other counties, all" and substituting instead the word "All".

FURTHER AMEND by deleting subsection (c) of the amendatory language of SECTION 1 in its entirety and by relettering subsequent subsections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Davis (Gibson) moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2037 by deleting from subsection (b)(1) of the amendatory language of Section__ of SECTION 1 the figure "\$750.00" and substituting instead the figure "\$500.00".

FURTHER AMEND by deleting from subsection (b)(2) of the amendatory language of Section__ of SECTION 1 the figure "\$850.00" and substituting instead the figure "\$750.00".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. C. Turner (Shelby) moved that House Bill No. 2037, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 2329 -- Taxes, Real Property -- Establishes deadline for refund of excess tax payment to successful appellant. Amends TCA, Title 67, Ch. 5.

Rep. Cross moved that House Bill No. 2329 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill 2329 by deleting Section 1 and 2 of the bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-1512 (b)(1), is amended by deleting the section in its entirety, and substituting instead the following:

(b)(1) No hearing shall be held on any appeal until the undisputed portion of the tax has been paid.

SECTION 2. Tennessee Code Annotated, Section 67-5-1512 (b)(2) is amended by deleting the section in its entirety and substituting instead the following appropriately numbered subdivision:

() If the taxpayer prevails in any appeal to the local or state board of equalization, the county or municipality shall, within sixty (60) days from the date of the final action by the state board of equalization or assessment appeals commission, refund any overpayment in taxes together with interest thereon at the rate of the composite prime rate as published by the federal reserve board computed from the date the overpayment was made until the date refunded.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Cross moved that House Bill No. 2329, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Molt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

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***House Bill No. 2263 -- Nurses, Nursing --** Authorizes certain nurses to issue certain drugs.

On motion, House Bill No. 2263 was made to conform with Senate Bill No. 2506.

On motion, Senate Bill No. 2506, on same subject, was substituted for House Bill No. 2263.

Rep. Burnett moved that Senate Bill No. 2506 be passed on third and final consideration.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Burnett moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Burnett moved that Senate Bill No. 2506 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

***House Bill No. 2129 -- Historical Sites --** Revises law on discovery, excavation, and disposition of certain remains. Amends TCA, Title 11, Ch. 6.

Rep. Odom moved that House Bill No. 2129 be reset next available space to the Calendar for Wednesday, April 4, 1990, which motion prevailed.

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CONSENT CALENDAR

House Resolution No. 0134 -- Memorials, Interns -- Honors Ginger Hausser, 1990 legislative intern.

House Joint Resolution No. 0780 -- Memorials, Retirement -- Honors Betty Reagan upon her retirement from Pickett County School System.

House Joint Resolution No. 0781 -- Memorials, Interns -- Commends Laura M. Prochaska, 1990 legislative intern.

House Joint Resolution No. 0782 -- Memorials, Interns -- Honors Alexandra Kheshtenejad, 1990 legislative intern.

House Joint Resolution No. 0789 -- Memorials, Personal Achievement -- Honors Jeffrey Newton Parker on attaining rank of Eagle Scout.

House Joint Resolution No. 0790 -- Memorials, Personal Achievement -- Congratulates Thomas Albert Colley on attaining rank of Eagle Scout.

House Joint Resolution No. 0791 -- Memorials, Sports -- Honors Coach Marty Sisco and Union City High School boys' basketball team, TSSAA Class AA state champions.

House Joint Resolution No. 0792 -- Memorials, Congratulations -- Congratulates Michael Todd Burnett, President of MTSU Associated Student Body.

House Joint Resolution No. 0793 -- Memorials, Interns -- Honors Andrew Blaylock, 1990 legislative intern.

House Joint Resolution No. 0794 -- Memorials, Condolence -- Honors memory of Clyde Tillman Russell.

House Bill No. 2649 -- Manchester -- Revises charter relative to dates officials take office, publishing and purchasing. Amends Chapter 273, Private Acts of 1959, as amended.

House Bill No. 2646 -- Clarksville -- Removes prohibition of officer or employee continuing employment after nomination or election to public office. Amends Chapter 292, Private Acts of 1957.

Senate Joint Resolution No. 0556 -- Memorials, Congratulations -- Commends Tennessee Health Relations Group on efforts to develop voluntary health care utilization guidelines.

Senate Joint Resolution No. 0557 -- Memorials, Personal Achievement -- Honor James Bradley Tennyson on earning Eagle Scout Award.

Senate Joint Resolution No. 0571 -- Memorials, Condolence -- Honors memory of William D. Hardeman.

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Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2509 -- Fire Prevention and Investigation --** Exempts certain warehouses from building code and fire safety restrictions. Amends TCA, Title 68, Ch. 17.

Senate Amendment No. 2

Amend House Bill No. 2509 by deleting Section 1 in its entirety and by substituting instead the following:

(a) For the purposes of this act, unless the context clearly requires otherwise, "Building code" means any nationally recognized code which has been adopted by reference by the state government or a local government or any code which has been implemented by ordinance or resolution by a local government

(b) Notwithstanding any provision of law or

building code standard or fire safety standard to the contrary, a warehouse designed or used to house baled cotton shall have a maximum capacity of not more than fifteen thousand (15,000) bales, and a single compartment of any such warehouse shall in no event exceed sixty thousand (60,000) square feet of floor space.

(c) Compartments of any warehouse designed or used to house baled cotton shall be separated by one (1) of the following methods:

(1) One hundred feet (100') of clear space; or

(2) A four (4) hour masonry fire wall.

(d) A local governing body may adopt an ordinance or resolution which establishes more stringent restrictions than those imposed by this act for the storage of baled cotton.

(e) Nothing in this act shall be construed to restrict the automatic sprinkler system requirements of the code of the National Fire Prevention Association (NFPA), Section 231E for the storage of baled cotton.

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 2509, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

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Senate Bill No. 1854 -- Telecommunications -- Enacts "Unsolicited Telefacsimile Advertising Act".

Rep. Bragg moved that Senate Bill No. 1854 be reset to the Message Calendar for Wednesday, April 4, 1990, which motion prevailed.

MOTION TO RECONSIDER

Rep. Pinion moved to lift from the table the motion to reconsider Senate Bill No. 2437, which motion prevailed.

***Senate Bill No. 2437 -- Vital Statistics -- Removes fee for obtaining copies of death certificate of veteran. Amends TCA 68-3-207.**

Rep. Pinion moved to reconsider action in passing Senate Bill No. 2437, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 1. On motion, Amendment No. 1 was withdrawn.

Rep. Pinion moved that Senate Bill No. 2437 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrell, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 2516 -- Tort Liability -- Enacts "The Public Protection Act of 1990". Amends TCA, Title 50.

Senate Amendment No. 2

Amend House Bill No. 2516 by deleting from Section 1(b) the words and punctuation "and, in addition to any other damages to which the employee may be entitled, shall be entitled to reasonable attorney fees and costs incurred in bringing such action." and by substituting instead the following:

"and any other damages to which the employee may be entitled."

Senate Amendment No. 7

Amend House Bill No. 2516 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 2 and 7 to House Bill No. 2516, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winingham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray

-- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MOTION

Rep. Naifeh moved that the House reconvene at 4:00 p.m. instead of 5:00 p.m., Monday, April 2, 1990, which motion prevailed by the following vote:

Ayes.	60
Noes.	21
Present and not voting.	4

Representatives voting aye were: Armstrong, Austin, Bell, Bittle, Bivens, Burnett, Cain, Chiles, Clark, Cole, Collier, Davidson, DePriest, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, U. (Shelby), Kent, King, Kisber, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Napier, Odom, Peroulas, Phillips, Pinion, Pruitt, Ridgeway, Robinson (Davidson), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, West, Wheeler, Wix, Wolfe, Mr. Speaker Murray -- 60.

Representatives voting no were: Anderson, Burchfield, Byrd, Callicott, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Hassell, Jones, R. (Shelby), Kernell, Nuber, Robinson (Hamilton), Robinson (Washington), Turner, C. (Shelby), Webb, Williams, Wood -- 21.

Representatives present and not voting were: Bragg, Herron, Love, Purcell -- 4.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 805 out of order, which motion prevailed.

House Joint Resolution No. 0805 -- Memorials, Public Service -- Congratulates Rachel Kisber-Obermeier for service to state. by *Naifeh, *Stallings, *Holt, *Crain, *Pinion, *Moore C, *Collier, *Ridgeway, *Davis Ray, *Herron, *Kisber.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Naifeh, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	98
Noes.	0

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Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Robinson (Davidson) moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 2658 and House Joint Resolution No. 759 can be heard by the Transportation Committee on Tuesday, April 3, 1990, which motion prevailed.

RULES SUSPENDED

Rep. Copeland moved to suspend Rule No. 81(1), relative to the time for placing bills on notice in Committee, so that House Bill No. 121 can be heard by the Judiciary Committee on Tuesday, April 3, 1990, which motion prevailed.

RULES SUSPENDED

Rep. King moved that the rules be suspended for a special meeting of the Government Operations Committee immediately after session today, which motion prevailed.

RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for a special meeting of the Education Committee immediately after session today, which motion prevailed.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below,

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the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 792: Rep(s). Bragg and Hobbs added as prime sponsor(s).

House Bill No. 120: Rep(s). Bivens added as prime sponsor(s).

House Bill No. 121: Rep(s). Austin and Halteman added as prime sponsor(s).

House Bill No. 1841: Rep(s). Curlee added as prime sponsor(s).

House Bill No. 2037: Rep(s). Peroulas added as prime sponsor(s).

House Bill No. 2129: Rep(s). B Turner added as prime sponsor(s).

House Bill No. 2219: Rep(s). Hobbs, Jackson, C Moore and Love added as prime sponsor(s).

House Bill No. 2271: Rep(s). Ruth Robinson added as prime sponsor(s).

House Bill No. 2329: Rep(s). B Turner added as prime sponsor(s).

House Bill No. 2398: Rep(s). Ray Davis added as prime sponsor(s).

REQUESTS TO BE ADDED AS SPONSORS

The following members requested to add their names as sponsors as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage of said bill.

House Joint Resolution No. 0653: Rep(s). Cole as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep. Holcomb was removed as sponsor of House Bill No. 2149.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 0783 -- Naming and Designating -- Designates Michael Sloan as official Tennessee Artist in Residence. by *Garrett.

The Speaker referred House Joint Resolution No. 783 to the Calendar and Rules Committee.

House Joint Resolution No. 0797 -- Memorials, Congress -- Urges enactment of labeling standard for recording companies. by *Stamps, *Turner C.

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The Speaker referred House Joint Resolution No. 797 to the Commerce Committee.

House Joint Resolution No. 0798 -- Memorials, Personal Achievement -- Honors Eric Evan Speich on earning Eagle Scout award. by *West.

The Speaker referred House Joint Resolution No. 798 to the Calendar and Rules Committee.

House Joint Resolution No. 0799 -- Memorials, Personal Occasion -- Congratulates Cynthia Miller. by *Moore U A.

The Speaker referred House Joint Resolution No. 799 to the Calendar and Rules Committee.

House Joint Resolution No. 0800 -- Memorials, Personal Achievement -- Honors Lyle Goforth, State Muscular Dystrophy Association's Poster Child. by *Moore U A.

The Speaker referred House Joint Resolution No. 800 to the Calendar and Rules Committee.

House Joint Resolution No. 0801 -- Memorials, Retirement -- Honors Mac K. Garbett upon his retirement. by *Henry Jim.

The Speaker referred House Joint Resolution No. 801 to the Calendar and Rules Committee.

House Joint Resolution No. 0802 -- Naming and Designating -- Declares GFWC Centennial Celebration on April 24, 1990. by *Callicott.

The Speaker referred House Joint Resolution No. 802 to the Calendar and Rules Committee.

House Joint Resolution No. 0803 -- Memorials, Personal Occasion -- Honors Conley and Cora Huskey on fiftieth wedding anniversary. by *Davis R E, *Webb, *Scruggs, *Anderson, *Murray, *Huskey, *Duer, *Wood, *Turner B, *McAfee, *Severance, *Bittle, *Cross, *Davis J K, Chiles, Henry Jim, Peroulas.

The Speaker referred House Joint Resolution No. 803 to the Calendar and Rules Committee.

House Joint Resolution No. 0804 -- Memorials, Personal Occasion -- Congratulates Commissioner and Mrs. J.W. Luna on birth of daughter, Rachel. by *Wheeler.

The Speaker referred House Joint Resolution No. 804 to the Calendar and Rules Committee.

House Joint Resolution No. 0806 -- Memorials, Congratulations -- Congratulates Portland Middle School on 2nd Place finish at Middle Tennessee Science Olympiad. by *Wix.

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The Speaker referred House Joint Resolution No. 806 to the Calendar and Rules Committee.

House Joint Resolution No. 0807 -- Memorials, Personal Achievement -- Honors Kent Arnold, 1990 salutatorian of Gleason High School. by *Herron.

The Speaker referred House Joint Resolution No. 807 to the Calendar and Rules Committee.

House Joint Resolution No. 0808 -- Memorials, Personal Achievement -- Honors and congratulates Kevin Lee Gallimore on attaining the rank of Eagle Scout. by *Herron.

The Speaker referred House Joint Resolution No. 808 to the Calendar and Rules Committee.

House Joint Resolution No. 0809 -- Memorials, Personal Achievement -- Honors Brian Gary Fought, 1990 valedictorian of McKenzie High School. by *Herron, *Ridgeway.

The Speaker referred House Joint Resolution No. 809 to the Calendar and Rules Committee.

House Joint Resolution No. 0810 -- Memorials, Personal Achievement -- Honors David Roger Fisher, Jr, 1990 salutatorian of McKenzie High School. by *Herron, *Ridgeway.

The Speaker referred House Joint Resolution No. 810 to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 0577 -- Naming and Designating -- Designates April 22-28, 1990 as "Victim Rights Week".

The Speaker referred Senate Joint Resolution No. 577 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration.

House Bill No. 2664 -- Lake County -- Enacts hotel/motel tax. by *Pinion.

Passed first consideration.

***House Bill No. 2665 --** Naming and Designating -- Designates certain section of Caney Fork River as family oriented fishing site. Amends TCA, Title 70, Ch. 4. by *Buck.

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Passed first consideration.

House Bill No. 2666 -- Gallatin -- Revises beginning date of term of office for council members. Amends Chapter 67, Private Acts of 1953, as amended. by *Wix, *Stamps.

Passed first consideration.

House Bill No. 2667 -- Madison County -- Revises services of office of juvenile court. Amends Chapter 309, Private Acts of 1982, as amended. by *Kisber, *Sipes.

Passed first consideration.

House Bill No. 2668 -- Anderson County -- Enacts hotel/motel tax. by *Wheeler, *Coffey.

Passed first consideration.

House Bill No. 2669 -- Naming and Designating -- Designates certain section of Caney Fork River as family oriented fishing site. by *Buck.

Passed first consideration.

***House Bill No. 2670 -- Election Laws --** Provides printout containing names and addresses of all eligible voters and space for signature at each polling place in Gibson County. by *Davis Ray.

Passed first consideration.

House Bill No. 2671 -- Naming and Designating -- Designates certain section of Caney Fork River as family oriented fishing site. by *Buck.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

On motion, the Senate Bills listed below, transmitted to the House were held on the Clerk's desk as noted.

***Senate Bill No. 2034 -- Human Rights --** Revises provisions of housing discrimination law to conform with Federal Fair Housing Amendments of 1988. Amends TCA, Title 4.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2121.

Senate Bill No. 2172 -- Solid Waste Disposal -- Expands powers of municipalities relative to energy production facilities. Amends TCA, Title 7, Ch. 54.

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Held on the Clerk's desk pending third consideration of companion *House Bill No. 1643.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted.

House Bill No. 2658 -- Driver Licenses -- Passed second consideration and referred to the Transportation Committee.

House Bill No. 2659 -- Lawrence County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2660 -- Haywood County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

***House Bill No. 2661 -- County Government --** Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 2662 -- Oneida -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2663 -- Oneida -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

DELAYED BILLS REFERRED

Pursuant to Rule No. 78, House Bill(s) No(s). 2658 and 2661, was/were referred to the Delayed Bills Committee.

REPORT OF DELAYED BILLS COMMITTEE

March 29, 1990

Pursuant to Rule No. 78, we the undersigned members of the Delayed Bills Committee have approved the following general bill to be heard by the appropriate standing committee: House Bill No. 2654.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

REPORT OF DELAYED BILLS COMMITTEE

March 29, 1990

Pursuant to Rule No. 78, we the undersigned members of the Delayed Bills Committee have approved the following general bill to

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be heard by the appropriate standing committee: House Bill No. 2656.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

REPORT OF DELAYED BILLS COMMITTEE
March 29, 1990

Pursuant to Rule No. 78, we the undersigned members of the Delayed Bills Committee have approved the following general bill to be heard by the appropriate standing committee: House Bill No. 2658.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

REPORT OF DELAYED BILLS COMMITTEE
March 29, 1990

Pursuant to Rule No. 78, as suspended, having received the approval of the local delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application to be heard by the appropriate standing committee: House Bill No. 2661.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

REPORTS OF STANDING COMMITTEES

EDUCATION COMMITTEE
March 29, 1990

MR. SPEAKER: Your Education Committee begs leave to report that we have carefully considered and recommend for adoption: House Joint Resolution(s) No(s). 726, 733 and 736; for concurrence, Senate Joint Resolution(s) No(s). 526.

DAVIDSON, Chairman.

Under the rules, House Joint Resolution(s) No(s). 726, 733 and 736; also, Senate Joint Resolution(s) No(s). 526 was/were transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS COMMITTEE
March 29, 1990

MR. SPEAKER: Your Government Operations Committee begs leave to

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report that we have carefully considered and recommend for passage: House Bill(s) No(s). 2044 (with amendment).

KING, Chairman.

Under the rules, House Bill(s) No(s). 2044 (with amendment) was/were transmitted to the Calendar and Rules Committee.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

March 29, 1990

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2659, 2660, 2662 and 2663.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

March 29, 1990

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, April 2, 1990: House Joint Resolution(s) No(s). 798, 799, 800, 801, 802, 803, 804, 806, 807, 808, 809 and 810; also, House Bill(s) No(s). 2659, 2660, 2662 and 2663.

PHILLIPS, Chairman.

ENROLLED BILLS

March 29, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 2585; House Resolution(s) No(s). 132 and 133; also, House Joint Resolution(s) No(s). 779; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

March 29, 1990

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 499, 664, 1605, 1612, 1627, 1666, 1721, 1735, 1781, 1801, 1806, 1829, 1858, 1870, 1873, 1949, 1956, 1985, 1986, 1989, 2018, 2019, 2039, 2040, 2066, 2112, 2147, 2148, 2199, 2201, 2218, 2329, 2332, 2340, 2352, 2378, 2403, 2405, 2413, 2531, 2607 and 2663;

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also, Senate Joint Resolution(s) No(s). 96, 171, 446, 463, 464, 465, 474, 488, 541, 547, 554, 562 and 563.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2227 and 2428; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 596, 597 and 784; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 718, 719, 720, 721, 722, 723, 725, 745, 746, 747, 749, 750, 751, 752, 753, 754, 755 and 756; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2350; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 2350 -- Historical Sites -- Revises law on discovery, exaction, and disposition of certain remains, Amends TCA, Title 11, Ch. 6.**

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SIGNED
March 29, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 2585; House Joint Resolution(s) No(s). 779; also, House Resolution(s) No(s). 132 and 133.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1291; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 514; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2615, 2629, 2633, 2642, 2643, 2647, 2648 and 2650; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
March 29, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1790, 1802, 1803, 1887, 1968, 2037, 2084, 2219, 2329, 2646 and 2649; also, House Joint Resolution(s) No(s). 653, 780, 781, 782, 789, 790, 791, 792, 793, 794 and 805; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

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ENROLLED BILLS

March 29, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 2516; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

March 29, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 2516.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2516; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 29, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 2516; for action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2585; also, House Joint Resolution(s) No(s). 779; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1809, 1834, 1861, 1848, 1898, 1999, 2087, 2110, 2160, 2228 and 2494; also, Senate Joint Resolution(s) No(s). 459, 550, 553 and 567; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 692; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1804, 1802, 1803 and 1975; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2364; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENROSSING CLERK

March 29, 1990

MR. SPEAKER: Your Chief Enrossing Clerk begs leave to report that we have transmitted to the Governor the following; House Bill(s) No(s). 2585; also, House Joint Resolution(s) No(s). 779; for his action.

BETTY KAY FRANCIS,
Chief Enrossing Clerk.

THURSDAY, MARCH 29, 1990 -- EIGHTY-FOURTH LEGISLATIVE DAY

ENROLLED BILLS

March 29, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1604, 1802, 1803, 1975, 2227, 2345, 2428, 2509, 2513, 2615, 2629, 2633, 2642, 2643, 2647, 2648 and 2650; House Resolution(s) No(s). 134 and 136; also, House Joint Resolution(s) No(s). 514, 596, 597, 692, 718, 719, 720, 721, 722, 723, 725, 745, 746, 747, 749, 750, 751, 752, 753, 754, 755, 756 and 784; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 29, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1254, 1641, 1723, 1866, 1907, 2096, 2515, 2639 and 2655; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 1254 -- Motor Vehicles, Titling and Registration -- Authorizes special license plates for "street rods". Amends TCA, Title 55, Ch. 4, Pt. 2.**

***Senate Bill No. 1641 -- Flags -- Prohibits manufacturing or selling state flag not in compliance. Amends TCA 4-1-301, 8-3-104.**

Senate Bill No. 1723 -- Sunset Laws -- Extends termination date of Tennessee film, entertainment, and music commission. Amends TCA, Title 4, Chs. 3, 29; Title 7, Ch. 59.

***Senate Bill No. 1866 -- County Officers -- Establishes Tennessee Peace Officers' Hall of Fame Board. Amends TCA, Title 4.**

***Senate Bill No. 1907 -- Health -- Requires health care providers to provide copy of medical records to certain persons upon request.**

***Senate Bill No. 2096 -- Public Service Commission -- Authorizes enforcement officers to arrest for violations of the Drug Control Act; revises penalties. Amends TCA 65-15-106, 122.**

Senate Bill No. 2515 -- Taxes, Excise -- Provides for state taxation of certain banking operations. Amends TCA 45-2-1202; Title 67, Ch. 4, Pts. 8, 9.

Senate Bill No. 2639 -- Taxes, Real Property -- Authorizes county trustee of Dyer County to accept partial payments of property taxes in certain circumstances. Amends TCA, Title 67, Ch. 5, Pt. 18.

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Senate Bill No. 2655 -- White Pine -- Extends term of office of mayor and aldermen. Amends Chapter 309, Private Acts of 1915, as amended.

**MESSAGE FROM THE SENATE
March 29, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 517, 518, 521, 522, 532, 555, 558, 559, 561, 565, 566, 568 and 582; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR.,
Chief Clerk.**

***Senate Joint Resolution No. 0517 -- General Assembly, Confirmation of Appointment --** Confirms appointment of Earnest Deavenport, Jr. to State Board of Education.

***Senate Joint Resolution No. 0518 -- General Assembly, Confirmation of Appointment --** Confirms appointment of John Rankin Morgan to State Board of Education.

***Senate Joint Resolution No. 0521 -- General Assembly, Confirmation of Appointment --** Confirms appointment of Nancy Overton to State Certification Commission.

***Senate Joint Resolution No. 0522 -- General Assembly, Confirmation of Appointment --** Confirms appointment of Musette Sprunt Morgan to State Board of Education.

***Senate Joint Resolution No. 0532 -- Highway Signs --** Provides for directional signs to Memphis Area Vocational Technical School on I-40.

Senate Joint Resolution No. 0555 -- Memorials, Personal Occasion -- Congratulates Mr. and Mrs. Milton H. Hamilton, III on the birth of Milton H. Hamilton, IV.

Senate Joint Resolution No. 0558 -- Memorials, Professional Achievement -- Congratulates Debbie Lawson, Lincoln County's Distinguished Classroom Teacher of 1989-1990.

Senate Joint Resolution No. 0559 -- Memorials, Professional Achievement -- Congratulates Linda C. Hyde on coaching the winning Fairview High School National Engineering team.

Senate Joint Resolution No. 0561 -- Memorials, Personal Achievement -- Congratulates Richard A. McCall on obtaining rank of Eagle Scout.

Senate Joint Resolution No. 0565 -- Memorials, Public Service -- Honors R. M. McKay, Sr. on service to state.

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Senate Joint Resolution No. 0566 -- Memorials, Public Service -- Honors Buford Dreaden on outstanding service to Tennessee.

Senate Joint Resolution No. 0568 -- Memorials, Interns -- Commends Sonya Goad, 1990 legislative intern.

Senate Joint Resolution No. 0582 -- Memorials, Sports -- Congratulates Jennifer Azzi, 1990 Naismith Award winner.

BILL RETURNED

There being no objection, Rep. Scruggs asked that the Clerk be directed to return Senate Bill No. 2041 to the Senate, as requested.

MESSAGE FROM THE GOVERNOR

March 29, 1990

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2516; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Haldeman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

On motion of Rep. Naifeh, the House adjourned until 4:00 p.m., Monday, April 2, 1990.